

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, March 6, 2001
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Rev. Bill Reece (retired) gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of February 27, 2001, were approved 7 to 0.

AWARDS AND PRESENTATIONS

CITATION

Distinguished Service Citation was presented.

YOUTH SERVICE

Wichita's Promise – Youth Community Service Awards were presented.

PROCLAMATIONS

Proclamations previously approved were presented.

PUBLIC AGENDA

Robert Hetrick, Ph.D., Coordinator – Fluoride Awareness Team of Kansas – Protecting Municipal Water Supply.

Robert Hetrick

Robert Hetrick spoke against fluoridation of the City's water supply and asked the City Council to consider enacting an ordinance to prohibit use of the municipal water supply to deliver substances and/or medications intended to affect the physical or mental functions of persons consuming the water.

Mayor Knight

Mayor Knight said an effort has been made to communicate to the Paper and others the difference between debate, argument, and dialogue. There needs to be a dialogue on this issue to arrive at a common ground.

Consensus of the Council was that Council Member Pisciotte bring together persons interested in this matter to focus on interest rather than position – to find a common ground and resolution on this issue.

Karol Schlicher – Protecting Kansas Water.

Ms. Schlicher asked to be withdrawn from the Agenda.

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NEW BUSINESS

WATER SYSTEM

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE AN AREA ALONG RUTAN, NORTH OF 71ST STREET SOUTH. (District III)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0337.

The signatures on the Petition represent 13 of 20 (65%) owners and 87% of the improvement district area. A February 6, 2001, meeting of District III Advisory Board was held to discuss the Petition. The Board recommended approval of the project.

The improvement district is predominantly residential in character. Area residents report that the well water is poor quality.

The estimated project cost is \$126,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated rate of assessment is \$00.10 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Lambke moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-088

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89543 (along Rutan Street, north of 71st Street South), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PAVE MEAD

PETITION TO PAVE MEAD ON THE WEST SIDE OF THE RAILROAD TRACKS FROM BAYLEY TO LINCOLN. (District I)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0338.

The signatures on the Petition represent 1 of 5 (20%) resident owners and 57% of the improvement district area. On February 5, 2001 District I Advisory Board discussed the proposed project and recommended that it be approved.

Mead, south of Lincoln is a sand road that provides access to an industrial area.

The estimated cost of the project is \$80,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated assessment rate is \$.90 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district. State Statutes also authorize the City Council to order in street paving projects.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion --
-- carried

Rogers moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. 01-089

Resolution of findings of advisability and Resolution authorizing improving of Mead on the west side of the railroad tracks from the north line of Bayley to the south line of Lincoln 472-83317, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Rogers moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

LANDSCAPING

PETITION FOR LANDSCAPED ENTRYWAY AT BARTON CREEK STREET, SOUTH OF 45TH STREET NORTH. (District II)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 01-0339.

On September 19, 2000, the City Council approved a request by the developer of Willowbend North Addition for special assessment funding of a landscaped entryway. A Petition has been submitted with signatures representing 20 of 22 owners of property in the improvement district.

The landscaped area consists of a rock garden, ornamental waterfall, retaining walls, and plant materials. It is located at the entrance to a new residential development.

The Petition budget is \$150,000. The funding source is special assessments. The method of assessment is the fractional method, with each platted lot being assessed \$1,270.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or signatures representing the majority of the property in the improvement district.

A Petition has been submitted with signatures representing 20 of 22 owners of property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Pisciotte moved that the Petition be approved and the Resolution be adopted. Motion carried 6 to 1.

RESOLUTION NO. 01-090

Resolution of findings of advisability and Resolution authorizing installation of landscaping street entrances (south of 45th Street South, west of Rock), 472-83358, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Pisciotte moved that the Resolution be adopted. Motion carried 6 to 1. Yeas: Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Nays: Cole.

PAVING HOOD

PAVING 24TH STREET FROM HOOD TO PAYNE AND PAYNE TO SALINA. (District VI)

(This Item was deferred until the March 20, 2001 Council meeting)

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ELECTRIC UTILITY MUNICIPAL ELECTRIC UTILITY INITIATIVE.

Joseph Pajor

Natural Resources Director reviewed the Item.

Agenda Report No. 01-0340.

On February 6, 2001, the City Council received a presentation from RW Beck on their study of the feasibility of having the Wichita Municipal Electric Utility provide retail electric service for consumers in the Wichita area. The Council action was to refer the study to the City Manager and his Municipal Electric Utility Task Force for their review and recommendations and for the City Manager to return to the City Council with his recommendations within 30 days.

The Municipal Electric Utility Task Force meet in a half day long session on Tuesday April 20, 2001. At that time, they received a detailed presentation from the Consultants on the study and they formulated their recommendations to the City Manager.

The City Manager has reviewed the recommendations of the Municipal Electric Utility Task Force and recommends that the City proceed with the establishment of an operational Municipal Electric Utility including efforts to serve the major electricity consuming City of Wichita facilities and that such activities would include the possible acquisition of existing electric utility assets as appropriate.

To accomplish this objective, it will be necessary for the City to undertake the action items contained in the RW Beck study. The tasks can be divided into three phases. The first phase would involve meeting with Western Resources regarding the potential to negotiate a purchase of KGE facilities. The tasks in the second phase can be completed (based on the outcome of Phase I) to confirm the feasibility of the effort. If feasibility continues to be indicated the tasks of Phase III could be undertaken.

The recommended action items for each phase are provided here:

Phase I Task:

1. Negotiations with Western Resources

Phase II Tasks

1. System Inventory and Appraisal
2. ERC Stranded Cost Ruling

Phase III Tasks:

1. Severance Plan
2. Development of Power Supply Request for Proposals
3. Organization Development

The total initial cost estimate for Phase I will not exceed \$100,000. The actual amount expended will depend on how the negotiations proceed. A plan for undertaking Phase II activities will be completed at the end of Phase I and will be based on the outcome of the negotiations with KGE.

Funds to pay the estimated cost of up to \$100,000 are available from the General Fund appropriated reserves.

The City has full legal authority to go forward with a full municipalization of the electric system.

Mayor Knight

Mayor Knight said there will be efforts by Western Resources and tremendous pressure put on the City Council in an effort to undermine the efforts by the City to bring social and economic justice to the Citizens of the City of Wichita.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

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Motion -- Pisciotte moved that Staff be directed to undertake the first phase task of negotiations with KGE regarding the purchase of KGE facilities, as described in the Consultants report as a further action item, and to return to the City Council with appropriate Consultant Agreements. Motion carried 7 to 0.

-- carried

PROPERTY ACQ. ACQUISITION OF COUNTY SEWER FACILITIES.

David Warren Administrative Director, Water and Sewer Department, reviewed the Item.

Agenda Report No. 01-0341.

A proposal to acquire the County sewer district facilities has been negotiated. These facilities include the Four Mile Creek, Fairway Meadows, Mid-Continent and West Sedgwick sewer systems.

Approximately 80% of the residents of the Four Mile Creek Sewer District now live within the Wichita city limits and receive City water service. The update of the City's Sewer Master Plan forecasts development surrounding this area over the next 10 to 20 years. Incorporating these areas into the City's sewer system will provide better and more economical service for area residents.

The County currently treats 1.5 to 2 million gallons of sewage per day (mgd) for approximately 5,000 customers. The City treats an average of 41 mgd for approximately 118,000 customers.

The City and County have formed a transition team to negotiate details of the transfer. Various sub-committees have examined the legal, personnel, financial, and operational aspects of the transfer. The team has worked out a plan to accomplish the transfer by April 1, 2001.

Under the proposed plan, the Wichita Water & Sewer Department will pay Sedgwick County \$500,000, which will be used (in conjunction with the Sedgwick County Sewer District's remaining fund balance) to help retire existing special assessment debt in the Sewer District. The Department will employ nine of the fifteen current employees of the sewer district.

By purchasing the County's sewer facilities at this time, the City will be able to reduce the cost of constructing the Greenwich and Northeast pump stations by \$1.6 million. The City will incur the responsibility of paying for needed improvements in the sewer district, including:

- ? \$7 million for improvements and capacity upgrades for the Four Mile Creek plant
- ? \$350,000 for the sewer infrastructure serving the Crestview area
- ? \$195,000 to incorporate the County sewer facilities into the City's automated control system.

Economies of scale allowed by the transfer will reduce the cost of needed improvements to the County system by \$1 million.

While no rate increases will be required as a result of this proposal, some changes will be required in the operating and capital budgets for the Sewer Utility in 2001 and beyond. One-time startup costs are estimated at approximately \$240,000, and will include materials and supplies, vehicles, and equipment purchases. Ongoing operations and maintenance needs are estimated at about \$470,000 for 2001 (April through December), increasing to about \$860,000 in 2002 and \$1.05 million in 2003 as debt financing needs mature. CIP costs associated with this plan (as outlined above) will total \$520,000 for 2001 and \$6 million for 2002. These changes will require adjustments in the 2001 Sewer Utility revised budget, and will necessitate re-certification of the fund as part of the revised budget process in August. The spreadsheet outlines projected expenditure and staffing needs and revenue projections from City sewer service charges in the district.

Revenue from service charges, previously planned rate increases, and plant equity fees are estimated at \$657,000 for 2001 (April through December), increasing to approximately \$1 million per year thereafter. In the early years of the transition, some operating losses will be seen as needed improvements exceed current revenue from the newly acquired customers

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Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Ben Sciortino Sedgwick County Commissioner said ninety percent of those in the sewer districts would receive a reduction in billings which made the decision easy to make.

Betsy Gwin Sedgwick County Commissioner said Four-Mile Creek was created to help do away with lagoons and to allow growth in the area. Now the City of Wichita has grown to the areas. It is reasonable that Wichita assume running those districts.

Motion -- Pisciotte moved that transition of facilities, budget adjustments, staffing levels, and Notices of Intent to Publish be approved; the Resolutions be adopted; and the necessary signatures for the Agreement and other documents be authorized, subject to resolution of legal issues by the Department of Law. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 01-093

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$500,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-094

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$5 Million (\$5,000,000), exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-095

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$350,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-096

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$195,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Pisciotte moved that the Resolution be adopted. Motion carried 7 to 0.

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DELANO PLAN

DELANO NEIGHBORHOOD REVITALIZATION PLAN. (Districts IV and VI)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 01-0342.

The Delano neighborhood is one of the older neighborhoods within the City. The neighborhood has a colorful history that reflects the diverse mix of people, businesses, and institutions in Wichita.

The planning area under study is bounded to the south by U.S. Highway 54 (Kellogg); Meridian Avenue to the west; and the Arkansas River to the north and east. The neighborhood is in close proximity to the Central Business District, the "Museums on the River" area, Old Town, and other core area attractions.

The City's involvement in the planning process for the Delano neighborhood began in late 1999. Representatives of three neighborhood organizations met with other stakeholders in the neighborhood along with MAPD Staff to discuss methods of preserving the existing housing stock, increasing economic activity, and enhancing the overall character of the neighborhood. As this process was occurring, City staff successfully obtained a Metropolitan Community Capacity Building Grant from the Kansas Department of Commerce to fund the development of a Neighborhood Revitalization Plan.

Since last spring, a steering committee consisting of neighborhood associations and major stakeholders, along with public officials and Staff have been working with the Wichita consulting firm of Law-Kingdon to develop a plan that reflects the long-term needs and desires of the neighborhood.

The proposed Delano Neighborhood Revitalization Plan constitutes a more detailed extension of the Comprehensive Plan. The Plan contains detailed proposals designed to stimulate growth and development in the neighborhood in a manner consistent with both the Comprehensive Plan as well as the needs and desires of neighborhood stakeholders.

The Plan is based upon objectives that address physical, social, and economic concerns such as:

- ? The down zoning of substantial sections of the neighborhood
- ? The creation of a mixed-use urban village that incorporates design aspects of the "New Urbanism" movement,
- ? The continuation of and/or the creation of streetscape enhancements and other aesthetic improvements
- ? Formation of a community development corporation
- ? Preservation of existing dwelling units, when economically feasible
- ? Establishment of design guidelines for both the urban village and the neighborhood as a whole, including interim design guidelines designed to protect development occurring the months immediately following the plan's adoption.

When adopted, the Plan's implementation tasks, such as down-zoning and the development of permanent design guidelines, can be undertaken through collaboration of various neighborhood interests and the City.

The Delano Neighborhood Revitalization Plan, as proposed, is consistent with the Wichita-Sedgwick County Comprehensive Plan in that it:

- 1) Encourages the redevelopment of older areas of the City.
- 2) Proposes growth and development in areas with existing public facilities in a manner that is compact and contiguous.
- 3) Provides for the development of park and recreation space as a link between various points in the neighborhood and the Arkansas River corridor.
- 4) Makes use of public and private partnerships.
- 5) Has community support and involvement.

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The Plan will require formal adoption to:

- ? Demonstrate to investors and developers a practical and feasible plan for the revitalization of the neighborhood, as prepared by a qualified consulting firm.
- ? Demonstrate that the major stakeholders in the neighborhood and the City Council are committed to the revitalization objectives contained in the plan.
- ? Provide evidence to the Kansas Department of Commerce and Housing that the plan, prepared with State assistance, has been adopted. This will allow for additional funding opportunities through State implementation grants.
- ? Present documentation of local plan acceptance to support the submission of funding applications to charitable and private foundations, private corporations, individuals, and the U.S. Department of Housing and Urban Development.
- ? Demonstrate to neighborhood stakeholders, including neighborhood residents, that their needs and desires, which are reflected in the plan, are objectives consistent with the Comprehensive Plan.

Adoption of the Plan involves no funding from the City; but there are a number of projects contained in the current C.I.P. that lie within the neighborhood's boundaries, with an estimated total cost of approximately \$17 million. In addition, the Plan proposes a number of physical improvements throughout the neighborhood at a total cost of approximately \$9 million, although the timing and funding sources have not been programmed at this time. Some costs for proposed improvements should be underwritten by the neighborhood, which is forming a Community Development Corporation to assist in neighborhood revitalization efforts.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the Plan on February 8, 2001. The staff report presented at the MAPC meeting indicated that the proposed Neighborhood Revitalization Plan was consistent with the Comprehensive Plan. The MAPC approved the plan as an amendment to the Comprehensive Plan by a unanimous vote (10-0).

The plan was presented to the District Advisory Board of Council District 4 on December 6, 2000. The Board voted unanimously (9-0) to recommend the plan's adoption.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Ray Rancuret

Ray Rancuret said the neighborhood clergy and business associations arrived at the Plan. The agreement was not unanimous but a majority of the area is in agreement.

Jack Kellogg

Jack Kellogg thanked the City for the Douglas Streetscape and the "Plan." Mr. Kellogg urged adoption of the Plan.

Motion --

-- carried

Gale moved that plan be adopted as an amendment to the Wichita-Sedgwick County Comprehensive Plan and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance adopting the Delano Neighborhood Revitalization Plan as an amendment to the Wichita Sedgwick County Comprehensive Plan, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion --

-- carried

Gale appointed Dorman Blake to the Planning Commission Board, and moved that the appointment be approved. Motion carried 7 to 0.

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CONSENT AGENDA

Knight moved that the Consent Agenda Items be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MARCH 5, 2001.

Bids were opened March 2, 2001, pursuant to advertisements published on:

Storm Water Drain No. 161 to serve Angel Fire Addition - north of 46th Street South, east of West Street. (468-83184/751292/485183) Does not affect existing traffic. (District IV)

Pearson Excavating, Inc. - \$435,412.50

Storm Water Drain No. 157 to serve Shoal Creek Addition - south of Central, west of 143rd Street East. (468-83187/751293/485184) Does not affect existing traffic. (District II)

Mies Construction - \$325,255.60

Hydraulic Avenue paving, 57th to MacArthur incidental drainage improvements Phase I - east of Hydraulic, south of MacArthur. (472-83324/706810/201275) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Wildcat Construction - \$606,951.00 (Base bid with alternate)

Water main replacement in College Hill Neighborhood - north of Kellogg, west of Woodlawn. (448-89331/636076/778156) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Nowak Construction - \$577,117.52

Phase 2 Landscaping in connection with paving Maple from 119th Street West to Maize Road - north of Kellogg, east of 119th Street West. (472-83092/706772 /209233) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Seeders, Inc. - \$40,316.00

Storm Water Drain 155 to serve Zoo Business Park Addition - north of 21st, east of Hoover. (468-83163/751289/485180) At least one lane of traffic along 29th Street shall be maintained. (District V)

WB Carter Construction - \$41,000.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT: Drainage Improvements at Second and Sabin Streets. (660462)

Mies Construction - \$23,581.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWER MAINTENANCE DIVISION: Cement Mix for Manhole Rehabilitation. (620308)

The Strong Company, Inc. - \$13,260.00 (Total net bid)

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WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Gas-Powered Carts.
(184754)

Kansas Mini Power Vehicles Inc. - \$12,052.00 (Total net bid)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Golf Carts. (170241)

EZGO Kansas City - \$148,640.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Adult Establishment-Renewal

Donna Moody	Wichita Inn Motel Systems Inc.	2020 South Broadway
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Adult Entertainment - Renewal

Valerie Washington	Xcitement Video	1306 East Harry
Valerie Washington	Xcitement Video	1515 South Oliver

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

Application for License to Retail Cereal Malt Beverages:

<u>New Establishment</u>	<u>2001</u>	<u>(Consumption off Premises)</u>
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David W. Haubenstein	Metro Oil Co., Inc. dba Total 4189	1649 East 13th Street
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Motion -- carried

Knight moved that the license be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a. University from the east line of Knight Street to the west line of Sheridan, Sheridan Avenue to serve College Green, Eureka Gardens, Dugans, University Court Third, Blanchat Machine Company, Anderson Investments Third Additions and Unplatted Tracts - south of Maple, east of West Street. (472-83188 /765623/490734) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$153,400.00

b. 2001 Sanitary Sewer Reconstruction Program Phase 1 - Generally south of 21st North, east of Seneca. 468-83204/620304/ 661428) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, V, and VI) - \$900,000.00

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- c) Sawdust, from the east line of Rock Road to the west line of Spyglass; SAWDUST COURTS, Lots 1 through 51, Block 6; Lots 49 through 80, Block 7 to serve Sawmill Creek Addition (east of Rock, north of 45th Street North) (472-83281/765660/490771) Does not affect the existing traffic. (District II) - \$694,000.00
- d) Water distribution system to serve White Tail Addition - south of 13th, west of 127th Street East. (448-89537/735002/470672) Does not affect the existing traffic. (District II) - \$16,000.00
- e) 2001 Planeview Sanitary Sewer Rehabilitation, Phase A - south of Pawnee, east of Hillside. (468-83212/622233/641341) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$150,000.00
- f) Lateral 463, Southwest Interceptor Sewer Angel Fire Addition - north of 47th Street South, east of West Street. (468-83182/743863/480551) Does not affect existing traffic. (District IV) - \$193,000.00

Motion -- carried Knight moved that Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Dedication dated February 19, 2001 from Dillard Store Services, Inc., for a tract of land in Lot 1, Kellogg Mall Addition, Wichita, Sedgwick County, Kansas (Rock Road Project 472-83222, OCA # 765636). No cost to City.
- b) Drainage Easement dated February 19, 2001 from Dillard Store Services, Inc., for a tract of land in Lot 1, Kellogg Mall Addition, Wichita, Sedgwick County, Kansas (Rock Road Project 472-83222, OCA # 765636). No cost to City.
- c) Dedication dated February 20, 2001 from David Simon of Simon Property Group. LP, for a tract of land in Lot 1, Kellogg Mall Addition, Wichita, Sedgwick County, Kansas (Rock Road Project 472-83222, OCA # 765636). No cost to City.
- d) Dedication dated February 20, 2001 from David Simon of Simon Property Group. LP, for a tract of land in Lot 3, Kellogg Mall Addition, Wichita, Sedgwick County, Kansas (Rock Road Project 472-83222, OCA # 765636). No cost to City.
- e) Storm Water Sewer Agreement dated February 20, 2001 from David Simon of Simon Property Group. LP, for Lot 3, Kellogg Mall Addition, Wichita, Sedgwick County, Kansas (Rock Road Project 472-83222, OCA # 765636). No cost to City.
- f) Water Easement dated January 8, 2001 from Micahel B., Lynn L., Robert L., and Charlotte Loveland for a tract of land located in Lots 1, 2, 5 and 6, 127th Retail Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607853). No cost to City.
- g) Utility Easement dated January 8, 2001 from Micahel B., Lynn L., Robert L., and Charlotte Loveland for a tract of land located in Lots 1 and 6, 127th Retail Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- h) Water Easement dated January 17, 2001 from Kelly Coleman, Inc., a Kansas Corporation for a tract of land located in Lot 1, Block A, dePaul Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

Motion -- Knight moved that that the documents be received and filed; and the necessary signatures be
-- carried authorized. Motion carried 7 to 0.

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ANGEL FIRE ADD. PETITION FOR STORM WATER DRAIN TO SERVE ANGEL FIRE ADDITION – NORTH OF 47TH STREET SOUTH, EAST OF WEST STREET. (District IV)

Agenda Report No. 01-0343.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide a drainage system for a new residential development.

The Petition totals \$603,000. The funding source is special assessments.

Motion -- carried Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-091

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 161 (north of 47th Street South, east of West Street), 468-83184, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

BOARDS MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Community Services Block Grant (CSBG), Review Committee, 01-4-2001
Police and Fire Retirement System, 12-27-2000
Wichita-Sedgwick County Board of Health, 01-11-2001
Wichita Airport Advisory Board, 01-8-2001
Metropolitan Area Planning Commission, 12-21-2000
Metropolitan Area Planning Commission, 01-18-2001 DRAFT
Office of Central Inspection, 2000 Annual Report of the Board of Code Standards and Appeals, 02-05-2001

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

PARKING SUPPLEMENTAL AGREEMENT FOR NORTHEAST SOCCER AND BASEBALL PARKING – 29TH STREET NORTH AND GREENWICH ROAD. (District II)

Agenda Report No. 01-0344.

On December 22, 1998, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) for designing the Northeast Soccer and Baseball Parking. The fee was \$21,500. On October 17, 2000, the City Council approved Supplemental Agreement Number 1 which required MKEC to design construction plans (landscape and irrigation) for the entry to the Northeast Soccer and Baseball Complex. The fee was \$4,450.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering services for the landscape and irrigation for the entry to the Northeast Soccer and Baseball Complex. To insure that the landscaping and irrigation is installed in accordance with the landscape plan and overall design concept, staff recommends MKEC be employed to inspect the irrigation and landscaping placement and planting.

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Payment to MKEC for the Supplemental Agreement Number 2 will be made on a lump sum basis of \$3,500. The funding source is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

ARTERIAL PROG.

2001 ARTERIAL PROGRAM – CONSTRUCTION. (Districts I, II, and V)

Agenda Report No. 01-0345.

The Capital Improvement Program includes funds to construct arterial street improvements which will be funded in part by Federal funds administered by the Kansas Department of Transportation (KDOT). The City will take bids for the projects. City/State Agreements have been prepared.

The projects to be constructed are:

21st Street North, between 119th Street West to Maize
Maple Street between 119th Street West to 135th West
21st Street North between Hillside to Oliver
Rock Road between 24th Street North to 29th Street North
21st Street North and Rock Road Intersection
Central and Rock Road Intersection
Rock Road and K-96 Intersection

The project budgets total \$14,275,000. KDOT will reimburse the City for 80 percent of eligible the cost of construction and construction engineering expenses. The funding source for the City share is General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES – 26TH STREET NORTH, FROM THE DRAINAGE CANAL TO MARKET; ALEY, FROM FAIRVIEW TO BROADWAY; AND BURNETT FROM THE DRAINAGE CANAL TO BROADWAY. (District VI)

Agenda Report No. 01-0346.

The City Council approved the project on December 19, 2000.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for designing 26th Street North, from the Drainage Canal to Market; Aley, from Fairview to Broadway, and Burnett from the Drainage Canal to Broadway. The Staff Screening & Selection Committee selected MKEC for the design on January 22, 2001.

Payment will be on a lump sum basis of \$23,300, and will be paid by special assessments and General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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WATER RIGHTS

WATER RIGHTS CONSERVATION PROGRAM CONTRACT.

Agenda Report No. 01-0347.

The Eaton Hotel originally used groundwater as a water source for the hotel's cooling system and acquired a water right for five million gallons per year. Recent upgrades to the hotel have eliminated the need for this water. While there is no current need for this water right, it is a senior water right, and no other water rights are available in this area.

The State of Kansas Division of Water Resources has a Water Rights Conservation Program. The Program allows a water right owner to suspend the use of an existing water right up to ten years. If the right is not used for three years, it can be declared abandoned and can be withdrawn by the state. The WRCP will allow the City to protect the subject water right without having to utilize it for industrial purposes.

The City must submit a Contract that specifies the particular water right and include the amount of time the right would be held in the Program. While water right is enrolled in this program, it cannot be used for any purpose. Water rights can be placed in the Conservation Program for a minimum of five years and a maximum of ten years. Staff is recommending the minimum time, and during this time period the City will seek other uses for the water right. If none are found, the City can then decide whether to abandon the right, or re-enroll it in the Conservation Program.

There are no fees associated with participation in the Water Rights Conservation Program.

The water right is eligible for participation in the Program.

Motion --
-- carried

Knight moved that Staff be authorized to submit a WRCP Contract for water right No. SG 71, and the necessary signatures be authorized. Motion carried 7 to 0.

WATER STORAGE

ELEVATED POTABLE WATER STORAGE FACILITY. (Districts I and II)

Agenda Report No. 01-0348.

The City provides treated drinking water to 368,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs are met, the Water and Sewer Department initiated a study of its water system. The Water Master Plan was completed in November 1999, and a number of significant improvements were recommended to ensure adequate service levels now, and in the future.

Elevated storage facilities were recommended for the northeast and northwest portions of the water system. The facilities will provide additional volume and stabilized pressures in the northeast and west portions of the City's water system. On September 12, 2000, Black and Veatch Corporation was selected as the consultant to perform the site selection for the elevated storage facilities.

Black and Veatch Corporation studied the northeast area and is currently evaluating several prospective sites for the storage facility. They have retained an artist to prepare concept drawings of the elevated facility. It is in the interest of the City to proceed with design and construction to resolve pressure and volume problems in the northeast pressure zone of the City's water system.

Northeast Elevated Water Tank, CIP W-811, has a budget of \$1,750,000 for 2001. The project will be funded from Water Utility revenues and reserves, or a future revenue bond issue.

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Motion --
-- carried

Knight moved that the project expenditures be approved; the Notice of Intent to Publish be authorized; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 01-092

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$1,750,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

SETTLEMENT

PAYMENT FOR SETTLEMENT OF CLAIM.

Agenda Report No. 01-0349.

In 1996 a juvenile claimant was arrested and detained; claimant alleges the arrest was wrongful and the consequent detention resulted in injuries.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter is appropriate. After some discussion, the City has been offered an opportunity to resolve the claim with a lump sum payment as full settlement of all claims arising out of this incident. Because of the risks associated with litigation, the Law Department recommends acceptance of the offer.

Funding for this settlement is from the City's tort claims fund.

The Law Department recommends acceptance of the offer of settlement.

Motion -- carried

Knight moved that \$350,000 as full settlement of the claim be authorized. Motion carried 7 to 0.

ARTERIAL DESIGN

2001 ARTERIAL DESIGN PROGRAM. (Districts I, II, III, and V)

Agenda Report No. 01-0350.

The 2001 Capital Improvement Program includes funds to design arterial street improvements scheduled for construction in later years.

The projects to be designed are:

13th Street North, between I-135 and Hillside
119th Street West, between 17th Street North and 21st Street North
Central, Oliver to Woodlawn
Harry, between I-135 and George Washington Boulevard
29th Street North, between Rock and Webb

The project budget is \$1,150,000. The funding source is General Obligation Bonds.

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Motion --
-- carried

Knight moved the project be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring 13th Street North, between I-135 and Hillside; 119th Street West, between 17th Street North and 21st Street North; Central between Oliver and Woodlawn; Harry, between, I-135 and George Washington Boulevard and 29th Street North, between Rock and Webb (2001 Arterial Street Design Program) 472-83314 to be main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature, introduced and under the rules laid over.

SPECIALS

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for seventeen (17) water, twenty-one (21) sewer, and three (3) storm water sewers, and it is necessary to set a public hearing date. The Informal Hearing with City personnel will be held March 5, 2001.

Motion --
-- carried

Knight moved that the public hearing be set for 11:00 a.m., Tuesday, April 3, 2001. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ FEBRUARY 27, 2001)

a) Selection of Municipal Court Judges Amendment.

1) Simple Ordinance.

ORDINANCE NO. 44-866

An Ordinance amending Section 1.04.150 of the Code of the City of Wichita, Kansas pertaining to the Neighborhood Municipal Court Judge, and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

2) Charter Ordinance.

CHARTER ORDINANCE NO. 186

A Charter Ordinance of the City of Wichita amending Section 1 of the Charter Ordinance No. 171 pertaining to the appointment of Municipal Court Judges, and repealing the original of said Section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

b) Hydraulic Improvement, from 57th Street South to MacArthur. (District III)

ORDINANCE NO. 44-867

An Ordinance declaring Hydraulic, from 57th Street South to MacArthur (472-83324) to be a main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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- c) Z-3338 - South of Kellogg, on the east side of Hillside. (District II)

ORDINANCE NO. 44-868

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3338

- d) Z-3362 - North side of Kellogg, east of Greenwich Road. (District II)

ORDINANCE NO. 44-869

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. Z-3362

- e) A01-03 - North of the Koch Corporate Campus on 37th Street North. (District I)

ORDINANCE NO. 44-870

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight. A01-03

PLANNING AGENDA

Motion -- carried

Knight moved that the Planning Agenda Items be approved as consensus Items. Motion carried 7 to 0.

DED2001-02

DED2001-02 – STREET RIGHT-OF-WAY DEDICATION LOCATED NORTH OF 53RD STREET NORTH, WEST OF SENECA. (District VI)

Agenda Report No. 01-0351.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of associated Lot Split No. SUB 2000-114 and is being dedicated for additional street right-of-way along Delaware and Legion.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

DED2001-03

DED2001-03 – DEDICATION OF UTILITY EASEMENT LOCATED NORTH OF 53RD STREET NORTH, WEST OF SENECA. (District VI)

Agenda Report No. 01-0352.

MAPC Recommendation: Accept the Dedication.

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This Dedication is a requirement of an associated Lot Split No. SUB 2000-114 and is being dedicated for purpose of construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

DED2001-04

DED2001-04 – DEDICATION OF ACCESS CONTROL LOCATED ON THE EAST SIDE OF HILLSIDE, NORTH OF 31ST STREET SOUTH. (District III)

Agenda Report No. 01-0353.

MAPC Recommendation: Accept the dedication.

As a requirement of Lot Split No. SUB 2000-116, this dedication is being made for the purpose of access control except for one opening Hillside Avenue.

The dedication has been reviewed and approved by the Planning Commission.

Motion -- carried

Knight moved that the Dedication be approved. Motion carried 7 to 0.

SUB2000-113

STREET IMPROVEMENT AGREEMENT FOR SUB2000-113 LOCATED NORTH OF 71ST STREET SOUTH, EAST OF HILLSIDE. (District III)

Agenda Report No. 01-0354.

Staff Recommendation: Approve the Agreement.

This No Protest Agreement for the paving of Rutan Street was required for the approval of a Lot Split (SUB 2000-113) for a Lot 2, Block 3, Southriver Addition.

The lot split will allow for the creation of one additional lot zoned "SF-20, Single Family Residential District. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of Rutan Street and that the owners have waived their right to protest said paving.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SUB2001-15

STREET IMPROVEMENT AGREEMENT FOR SUB2001-15 LOCATED SOUTH OF 13TH STREET, EAST OF HOOVER. (District VI)

Agenda Report No. 01-0355.

Staff Recommendation: Approve the Agreement.

This No Protest Agreement for the paving of Curtis Street was required for the approval of a Lot Split (SUB 2001-15) for a portion of R.A. Morris Tracts Addition.

The lot split will allow for the creation of three additional lots zoned "SF-6", Single Family Residential. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of Curtis Street and that the owners have waived their right to protest said paving.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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ZON2000-00066

ZON2000-00066 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL OFFICE, LOCATED ON THE NORTHWEST CORNER OF HARRY AND TODD. (District II)

Agenda Report No. 01-0356.

MAPC Recommendation: Approve, subject to staff recommendation (10-0).

Staff Recommendation: Approve, subject to the provisions of a "P-O" Protective Overlay district.

The applicant requests a zone change from "MF-18" Multi-Family Residential to "GO" General Office on a 5.44 acre platted tract located at the northwest corner of Harry and Todd.

The applicant proposes to develop the subject property with a bank at the northwest corner of Harry and Todd, which received Conditional Use approval from the MAPC subject to approval of the zone change by the City Council. A daycare center is proposed for the western portion of the subject property. A two-story office building is proposed for the northeast corner of the site, and a one-story office building is proposed for the middle of the site. The subject property is separated from adjacent properties by a drainage ditch to the north and west and by streets to the south and east.

The proposed office, bank, and day care uses could increase the traffic volume on Harry by as much as 1,300 vehicles per day. While the resulting traffic volume on Harry is still within the range for Level of Service D for a four-lane arterial street, planning staff is concerned about the proposed alignment of access drives in relation Cranbrook (a collector street on the south side of Harry) and the corresponding potential for turning movement conflicts.

The surrounding area is characterized by a mixture of uses with apartments to the north, duplexes to the northeast, single-family residences to the south, and undeveloped property zoned for multi-family residential development to the east and west. The properties north, east, and west of the site are zoned "MF-18" Multi-Family Residential. The properties northeast of the site are zoned "TF-3" Two-Family Residential. The properties south of the site are zoned "SF-6" Single-Family Residential.

At the hearing on February 8, 2001, there were no speakers, other than the applicant, for or against the request. The MAPC voted (10-0) to approve the request subject to the following additional provisions of a Protective Overlay District:

1. The following uses shall not be permitted: group residence, limited; group residence, general; correctional placement residence, limited; correctional placement residence, general; and hotel or motel.
2. Residential development shall be limited to a maximum density of 17.4 dwelling units per acre.
3. Buildings shall be limited to a maximum height of 45 feet.
4. Prior to the issuance of a building permit, the applicant shall submit a site plan for approval by the Planning Director and Traffic Engineer and shall develop the site in general conformance with the approved site plan. The applicant shall attempt to design the site with access drives that minimize turning movement conflicts by either aligning the western-most drive with Cranbrook or separating it from Cranbrook by at least 150 feet.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to additional provisions of a Protective Overlay District; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. ZON2000-00066

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PUD2001-0001
PUD No. 4

PUD2001-0001 – PUD NO. 4 ENVISION AMENDMENT TO COMBINE DEVELOPMENT BUILDING AREA AND ADJUST MANUFACTURING USES, LOCATED ON THE NORTHWEST CORNER OF PAWNEE AND WATER. (District III)

Agenda Report No. 01-0357.

MAPC Recommendation: Approve, subject to conditions (9-0-1).

Staff Recommendation: Approve, subject to conditions.

The applicant is proposing to amend PUD #4 Envision to allow expansion of its current rehabilitation and training center for persons with low-vision and who are blind and other persons with physical or mental handicaps that are unable to drive. This center is located on the northwest corner of Pawnee and Water Street.

The PUD was originally approved for the rehabilitation/training center on Parcel 1 and associated residential uses on Parcel 2. There is an existing 78,000 square foot building on Parcel 1, but the residential uses on Parcel 2 have not been developed. The proposed amendment would combine Parcels 1 and 2 into a single parcel and eliminate residential uses. Total building area for the rehab/training center would be increased to 126,215 square feet, for a 30% building coverage. The proposed addition would be situated along the western portion of the existing building and extend southward toward Pawnee. As shown on the proposed PUD development plan, the expansion would maintain a generous setback of approximately 190 feet, significantly more than the required 100-foot setback. The building would be approximately 30 feet from the western property line, which complies with the existing setback on the west of 25 feet.

The applicant proposes to expand the types of uses associated with the rehabilitation and training center. Specifically, the amendment would allow a retail center within the building for the sale of specialty products for persons with low-vision or who are blind. Also, it would expand the permitted types of to include "limited metal fabrication", plus allow that additional uses similar in nature and intensity to these existing uses could be added by administrative adjustment.

Several minor changes also have been incorporated into the revised PUD development plan. Emergency access to Wichita Street is eliminated since the site already has two points of access on Water Street. Public Works had previously approved the removal of this emergency access on Wichita Street. The screening requirement on the north property line was shifted from a wrought iron fence to a six-foot masonry wall, which is the type of screening already installed by Envision.

A gazebo is planned for the southwest corner of the property, as a part of a sensory nature trail for the clients working and training at the center.

No additional parking is proposed. Parking needs are low since the clients do not drive. During a recent site inspection, approximately 25 % of the parking spaces were vacant.

The surrounding area is developed with single-family dwellings on the north, east, and northwest. The Greenway Park Apartments, an apartment complex, are located directly west of the proposed building expansion area. Herman Hill Park is located to the south of Pawnee.

At the MAPC meeting held February 8, 2001, the applicant described the request as being primarily to expand the existing building currently used for rehabilitation and training services and to eliminate the residential parcel. There were no citizens present to speak on the application.

Motion --

Knight moved that having reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to additional provisions of a Protective Overlay District; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. PUD2001-0001 – PUD NO. 4

A01-01

A01-01 – ANNEXATION OF LAND GENERALLY LOCATED ¼ MILE NORTH OF 21ST STREET NORTH ON THE WEST SIDE OF 127TH STREET EAST. (District II)

Agenda Report No. 01-0358.

The City has received a request to annex approximately 86 acres situated ¼ mile north of 21st Street North on the west side of 127th Street East. The site's southern boundary abuts the current City of Wichita Limits. The property owner is planning to develop the area with 242 single-family homes. The staging of development is planned over multiple years, with 100% of development to be completed within four (4) years.

Land Use and Zoning: The annexation site consists of two (2) contiguous undeveloped tracts of land zoned "SF-20" Single Family Residential. Land north, east, and west of the proposed site is zoned "SF-20" Single Family and "RR" Rural Residential. Land south is zoned "SF-6" Single Family. Upon annexation, the "SF-20" Single Family Residential zoning of the subject property will convert to "SF-6" Single Family Residential.

Public Services: The City Water and Sewer Department indicates that the subject property proposed for annexation will connect to a 16" water main extended along 127th Street East. The property owner is responsible for the cost up to an 8" line. The water department will pay for the oversizing. The total estimated cost of the extension is \$78,500. Sewer Services will be extended from the south (Magdalene Church). There is a C.I.P. sewer main project in progress. The property proposed for annexation will be assessed 50% of the cost and will pay for 100% of the lateral sewer extension.

Street System: The property proposed for annexation will have access to 21st Street North, which serves the area as the nearest major east-west road, and 127th Street East, which serves the area as the nearest major north-south road. Currently, there are no plans to further improve that portion of 127th Street East in the City of Wichita 2001-2010 C.I.P. or the 2001-2005 Sedgwick County C.I.P. However, the 2001-2005 Sedgwick County C.I.P. has scheduled that portion of 21st Street North to be widened with construction beginning in 2004.

Public Safety: The Wichita Fire Department can serve this site within a five (5) to six (6) minute approximate response time from City Station #18 located at 2808 North Webb Road. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: Chisholm Greenway, a 10-acre Recreation Corridor, is located approximately ½ mile west of the proposed site. The Wichita-Sedgwick County Parks and Open Space Master Plan shows two potential park sites that could serve this area. One located approximately one-mile northwest of the site, and the second located approximately one-mile southeast of the site.

School District: The property is located in Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The property is also located within the 2010 Urban Service area, as depicted in the 1999 Update to the Comprehensive Plan, adopted by the City Council and the County Commission last year.

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The total assessed value of the property is approximately \$1,150. The future assessed value of this property will depend on the timing of development, the type of development, and the current mill levy. However, the applicant projects an overall appraised value of \$22,506,000 when development is completed, resulting in an assessed value of \$2,588,190. Assuming the current City levy remains about the same (\$31.406/\$1000 x assessed valuation), this would roughly yield \$81,285 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. A 01-01

AIRPORT AGENDA

AIRPORT

AGREEMENT – FEDERAL AVIATION ADMINISTRATION – RELEASE OF LAND.

Agenda Report No. 01-0359.

The City of Wichita is planning to construct a new street to serve the Learjet facility adjacent to airport property and is desirous of using 52 feet of airport land for a road right-of-way to accomplish the project. This land was acquired in 1960 with federal funds under the grants-in-aid program. The FAA recommended that the property be sold in lieu of granting a permanent easement. FAA regulations state that an appraisal must clearly substantiate the value of the property to make sure that the airport receives fair market value.

The FAA has determined that the land may be released since it is not required for the development of the airport, and the proposed use will not adversely affect the use, operation, maintenance, or development of the airport. However, certain conditions have been placed upon the approval by the FAA such as height restrictions and allocation of the funds received for the property.

In an effort to determine the fair market value of the land requested, the City's Property Management Division of the Finance Department selected Dean L. Bussart, SRA, GRI, to conduct an appraisal. Mr. Bussart determined that the land has a fair market value of \$58,800. The FAA stipulates that these funds are considered to be airport revenue and must be used for airport purposes. Fifty percent of the funds must be placed in a special income producing airport account, with the remaining 50% applied to reduce the costs of the next airport improvement project.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

ENVIRONMENTAL COMPLIANCE - COLONEL JAMES JABARA AIRPORT

Agenda Report No. 01-0360.

On September 12, 2000 City Council authorized the Staff Screening and Selection Committee to select a consultant to complete the Spill Prevention Control and Countermeasure Plan (SPCC) for the airport's respective fuel storage and dispensing areas.

The Staff Screening and Selection Committee received five proposals and selected Burns and McDonnell to complete the work.

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The cost is \$11,750 and will be funded with airport revenue.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

EXECUTIVE SESSION

Motion --

Knight moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to potential litigation and legal advice, and council return from executive session no earlier than 10:55 a.m.

RECESS

The City Council recessed at 10:45 a.m. and returned at 10:55 a.m.

Mayor Knight

Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 10:55 a.m.

Pat Burnett CMC
City Clerk